

Remarks

Claims 1-25 are pending in this application. In an Office Action dated May 6, 2004, the Examiner rejected claims 1-6 and 11 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,678,242 to Simon (henceforth, Simon) in view of U.S. Patent No. 6,301,623 to Simpson *et al.* (henceforth, Simpson) and U.S. Patent No. 5,864,555 to Mathur *et al.* (henceforth, Mathur). The Examiner rejected claims 7 and 8 under 35 U.S.C. § 103(a) as being unpatentable over Simon, Simpson and Mathur in further view of U.S. Patent No. 5,905,859 to Holloway *et al.* The Examiner also rejected claims 1 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1, 5, 12, 14 and 19 of U.S. Patent No. 6,779,077 (“the ‘077 patent”). The Examiner objected to claims 9, 10 and 12-14 as being dependent on a rejected base claim but as otherwise providing allowable subject matter. The Examiner allowed claims 15-25. Applicants respectfully disagree with the Examiner’s rejections and request reconsideration in light of the following remarks.

Claim 1 provides a virtual backplane for an information network interconnecting a plurality of computer elements. The virtual backplane includes a plurality of physical backplanes each connecting a plurality of cards. At least one card in each backplane is connected to at least one group of a data interconnect. At least one management processor supplies routing information to the plurality of cards. A network interconnects the management processor and the cards.

The Examiner rejected claim 1 as an obvious combination of Simon, Simpson and Mathur. Nowhere in the Examiner’s argument does the Examiner identify any teaching or suggestion, in either Simon, Simpson or Mathur, for Applicants’ “data interconnect comprising at least one group, at least one card in each backplane connected to at least one group” as provided in claim 1. The Examiner fails to even mention this limitation.

The Examiner admits that Simon “is silent on a central processor controlling routing among multiple cards.” Instead, the Examiner proposes Simpson and Mathur. However, neither reference teaches or fairly suggests Applicants’ management processor supplying routing information to a plurality of cards.

Simpson discloses a computer network with a management processor capable of being connected to any one of a plurality of devices, some of which may have the same address. The management processor controls an analog multiplexer to connect one of the devices to its serial port. (*See*, the Abstract and the Summary of Invention.) This is not supplying routing information to a plurality of cards.

Mathur discloses an ATM node which decides whether or not to forward ATM operation and maintenance packets to an attached device based on a database maintained by the node's local management processor. (*See*, the Abstract.) Once again, this is not supplying routing information to a plurality of cards.

The Examiner has failed to establish a *prima facie* case of obviousness for claim 1. Claim 1 is patentable over any combination of Simon, Simpson and Mathur. Claims 2-14, which depend from claim 1, are therefore also patentable.

The Examiner also rejected claim 1 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1, 5, 12, 14 and 19 of the '077 patent. None of the claims of the '077 patent describe or fairly suggest a plurality of physical backplanes, or cards, or a data interconnect including a group, or a management processor supplying routing information to cards. The claims of the '077 are unrelated to a virtual backplane, the invention of claim 1. Nor does claim 1 relate to the claims of the '077 patent. Claim 1 does not describe or fairly suggest logical tape modules, or canonical tape modules, or a tape library, or a library server, or a client-side interface, or a server-side interface, or a tape module, or any kind of mapping between logical and canonical forms. In short, claim 1 is unrelated to the claims of the '077 patent and *vice versa*. Moreover, the Examiner provides no support whatsoever for his contention that the claim 1 is not patentably distinct.

Claims 1-25 are pending in this application. Applicant believes these claims meet all substantive requirements for patentability and respectfully request that this case be passed to issuance. A check in the amount of \$120 is enclosed to cover the Petition fee. Please charge any additional fees or credit any overpayments as a result of the filing of this paper to our Deposit Account No. 19-4545 -- a duplicate of this paper is enclosed for that purpose.

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Reply to Office Action of January 12, 2005

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The Examiner is invited to contact the undersigned to discuss any aspect of this case.

Respectfully submitted,

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